

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Representative Robert R. Cushing, et al., *
*
Plaintiffs, *
v. * Case No. 1:21-cv-00147-LM
*
Representative Sherman Packard, et al. *
*
Defendants. *
*

MOTION TO DISMISS

The defendants, by and through counsel, move to dismiss the plaintiffs' First Amended Complaint (ECF Doc. No. 44) in its entirety. As set forth in the memorandum of law accompanying this motion, the plaintiffs' federal claims are barred by the doctrine of absolute legislative immunity and their state-law claims should be dismissed under the Eleventh Amendment or based on a lack of supplemental jurisdiction.

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Dismiss the plaintiffs' First Amended Complaint (ECF Doc. No. 44); and
- B. Grant such further relief as the Court deems just and equitable.

Respectfully submitted,

Sherman Packard, in his official capacity as Speaker of the New Hampshire House of Representatives; Paul Smith, in his official capacity as Clerk of the New Hampshire House of Representatives; the New Hampshire House of Representatives; and the State of New Hampshire

By their attorney,

JOHN M. FORMELLA
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: September 23, 2022

/s/ Samuel Garland

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record using the Court's electronic-filing system.

/s/ Samuel Garland

Samuel R.V. Garland